

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 (20 ILCS 1305/10-9 rep.)

5 (20 ILCS 1305/10-10 rep.)

6 (20 ILCS 1305/10-12 rep.)

7 Section 5. The Department of Human Services Act is amended  
8 by repealing Sections 10-9, 10-10, and 10-12.

9 Section 10. The Department of Public Health Powers and  
10 Duties Law of the Civil Administrative Code of Illinois is  
11 amended by adding Section 2310-642 as follows:

12 (20 ILCS 2310/2310-642 new)

13 Sec. 2310-642. Diabetes; transfer of functions from  
14 Department of Human Services.

15 (a) Diabetes Research Checkoff Fund; grants. The Diabetes  
16 Research Checkoff Fund is a special fund in the State treasury.  
17 From appropriations to the Department from that Fund, the  
18 Department may make grants to recognized public or private  
19 entities in Illinois for the purpose of funding research  
20 concerning the disease of diabetes. At least 50% of the grants  
21 made from the Fund by the Department shall be made to entities  
22 that conduct research for juvenile diabetes. For purposes of

1 this subsection, the term "research" includes, without  
2 limitation, expenditures to develop and advance the  
3 understanding, techniques, and modalities effective in the  
4 detection, prevention, screening, management, and treatment of  
5 diabetes and may include clinical trials in Illinois. Moneys  
6 received for the purposes of this subsection, including,  
7 without limitation, income tax checkoff receipts and gifts,  
8 grants, and awards from any public or private person or entity,  
9 shall be deposited into the Fund. Any interest earned on moneys  
10 in the Fund must be deposited into the Fund.

11 (b) Diabetes information. The Department shall include  
12 within its public health promotion programs and materials  
13 information to be directed toward population groups in Illinois  
14 that are considered at high risk of developing diabetes. The  
15 information shall inform members of such high risk groups about  
16 the causes and prevention of diabetes, the types of treatment,  
17 and how treatment may be obtained. By March 16, 2011, and each  
18 March 16 thereafter, the Department shall file a report with  
19 the General Assembly concerning its activities and  
20 accomplishments under this subsection during the previous  
21 calendar year.

22 (c) Grants to American Diabetes Association. Subject to  
23 appropriation, the Department shall make grants to the American  
24 Diabetes Association for research on diabetes from  
25 appropriations to the Department from the American Diabetes  
26 Fund, a special fund created in the State treasury.

1       (d) Transfer of functions from Department of Human  
2 Services.

3       (1) Transfer. On the effective date of this amendatory  
4 Act of the 96th General Assembly, all functions performed  
5 by the Department of Human Services in connection with  
6 Sections 10-9, 10-10, and 10-12 of the Department of Human  
7 Services Act (now repealed, and replaced by subsections  
8 (a), (b), and (c), respectively, of this Section), together  
9 with all of the powers, duties, rights, and  
10 responsibilities of the Department of Human Services  
11 relating to those functions, are transferred from the  
12 Department of Human Services to the Department of Public  
13 Health.

14       The Department of Human Services and the Department of  
15 Public Health shall cooperate to ensure that the transfer  
16 of functions is completed as soon as practical.

17       (2) Effect of transfer. Neither the functions  
18 transferred under this subsection, nor any powers, duties,  
19 rights, and responsibilities relating to those functions,  
20 are affected by this amendatory Act of the 96th General  
21 Assembly, except that all such functions, powers, duties,  
22 rights, and responsibilities shall be performed or  
23 exercised by the Department of Public Health on and after  
24 the effective date of this amendatory Act of the 96th  
25 General Assembly.

26       (3) Books and records transferred. All books, records,

1 papers, documents, contracts, and pending business  
2 pertaining to the functions transferred under this  
3 subsection, including but not limited to material in  
4 electronic or magnetic format, shall be transferred to the  
5 Department of Public Health. The transfer of that  
6 information shall not, however, violate any applicable  
7 confidentiality constraints.

8 (4) Unexpended moneys transferred. All unexpended  
9 appropriation balances and other funds otherwise available  
10 to the Department of Human Services for use in connection  
11 with the functions transferred under this subsection shall  
12 be transferred and made available to the Department of  
13 Public Health for use in connection with the functions  
14 transferred under this subsection.

15 (5) Exercise of transferred powers; savings  
16 provisions. The powers, duties, rights, and  
17 responsibilities relating to the functions transferred  
18 under this subsection are vested in and shall be exercised  
19 by the Department of Public Health. Each act done in  
20 exercise of those powers, duties, rights, and  
21 responsibilities shall have the same legal effect as if  
22 done by the Department of Human Services or its divisions,  
23 officers, or employees.

24 (6) Successor Agency Act. For the purposes of the  
25 Successor Agency Act, the Department of Public Health is  
26 declared to be the successor agency of the Department of

1       Human Services, but only with respect to the functions that  
2       are transferred to the Department of Public Health under  
3       this subsection.

4       (7) Statutory references. Whenever a provision of law  
5       refers to the Department of Human Services in connection  
6       with its performance of a function that is transferred to  
7       the Department of Public Health under this subsection, that  
8       provision shall be deemed to refer to the Department of  
9       Public Health on and after the effective date of this  
10       amendatory Act of the 96th General Assembly.

11       Section 15. The State Finance Act is amended by adding  
12       Section 5.755 as follows:

13       (30 ILCS 105/5.755 new)

14       Sec. 5.755. The American Diabetes Fund.

15       Section 99. Effective date. This Act takes effect 90 days  
16       after becoming law.